

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

NATHAN LEE THOMAS,

Plaintiff,

v.

**ANGELA M. METTIE, DAVID T.
BEARDEN, JERI HEMMER, RONI SUE,
ANGELO GOMEZ, and EDWARD J. RAY,**

Defendants.

Case No. 3:14-cv-00554-SI

OPINION AND ORDER

Nathan Lee Thomas, P.O. Box 9261, Portland, OR 97207. *Pro se.*

Michael Porter, Andrea M. Barton, MILLER NASH GRAHAM & DUNN LLP, 3400 U.S. Bancorp Tower, 111 S.W. Fifth Avenue, Portland, OR 97204. Of Attorneys for Defendants.

Michael H. Simon, District Judge.

Plaintiff Nathan Lee Thomas, *pro se*, filed a claim under the Americans with Disabilities Act. On February 17, 2015, the Court granted Defendants' motion for summary judgment and dismissed this action. Dkts. 58, 59. Accordingly, Defendants are the prevailing party.

On February 20, 2015, Defendants submitted their Bill of Costs, seeking \$2,058.90 in costs incurred in taking the videotaped deposition of Plaintiff. Dkt. 61. Plaintiff did not object to Defendants' Bill of Costs.

Federal Rule of Civil Procedure 54(d) creates a presumption that costs will be awarded to the prevailing party, but vests the district court with discretion to refuse to award costs. *See Ass'n of Mexican-Am. Educators*, 231 F.3d 572, 591 (9th Cir. 2000). The Court has reviewed Defendants' Bill of Costs and grants it in part. The Court finds that taking Plaintiff's deposition by video was excessive and unreasonable under the circumstances of this case. Accordingly, the Court reduces the requested costs by \$876.25, the amount charged for the videotaping and DVD copies of the deposition.

Defendants' Bill of Costs (Dkt. 60) is GRANTED IN PART. Defendants are awarded \$1,182.65 in costs.

IT IS SO ORDERED.

DATED this 19th day of March, 2015.

/s/ Michael H. Simon
Michael H. Simon
United States District Judge